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7 **IN THE UNITED STATES DISTRICT COURT FOR THE**
8 **EASTERN DISTRICT OF CALIFORNIA**
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10 **MICHAEL F. SCHULZE,**) **1: 05-CV-0180 AWI-GSA**
11 **Plaintiff,**) **ORDER GRANTING PLAINTIFF'S**
12 **v.**) **APPLICATION FOR A STAY**
13 **FEDERAL BUREAU OF**
14 **INVESTIGATION, et al.,**
15 **Defendants.**)
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17 On July 13, 2007, Defendants filed a Motion for Summary Judgement or, in the
18 Alternative, Summary Adjudication. Pursuant to Plaintiff's request, on August 29, 2007, the
19 court stayed this action until Plaintiff was transferred or until November 13, 2007, whichever
20 came first. On October 10, 2007, Plaintiff filed a document states that he had been transferred
21 but that he needed additional time to file a response to Defendants' Motion because his legal
22 documents had not arrived at his new facility. On October 22, 2007, the court granted Plaintiff
23 until January 18, 2008, to file an opposition and granted Defendants until February 4, 2008 to file
24 any reply brief. On January 14, 2008, Plaintiff filed a second application for an extension to
25 time in which to file his opposition to Defendants' motion for summary judgment. On March 3,
26 2008, the court granted Plaintiff's request and granted Plaintiff until March 21, 2008 to file an
27 opposition.
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On March 10, 2008, Plaintiff filed a motion to stay this action. Plaintiff states that he is subject to an order from the District of Hawaii to appear at a hearing in that court on April 4, 2008. Plaintiff states that because of the delays he anticipates in being transferred between South Carolina and Hawaii and his inability to access his legal materials during that time, he needs a stay of at least six months, if not a year.

The court has grave concerns about staying this action a second time. The motion at issue was filed in August 2007, and Plaintiff has already had over six months in which to respond to the motion. Pursuant to the Civil Justice Reform Act, this court is not supposed to have any motion pending for more than six months. However, Plaintiff is under an order to appear in the District Court of Hawaii on April 4, 2008, and the court presumes Plaintiff will not be able to travel with the documents he needs to file an opposition. Based on the information before the court, the court finds that a stay of sixty days is warranted. At the end of sixty days, Plaintiff must file a motion, containing specific details, that either shows good cause to continue the stay or sets forth a reasonable time within which Plaintiff can file an opposition.

Accordingly, the court ORDERS that:

1. Plaintiff's motion for a stay is GRANTED;
2. This action SHALL BE STAYED until May 26, 2008; and
3. By May 26, 2008, Plaintiff SHALL file a detailed motion that either shows good cause to continue the stay or sets forth a reasonable time within which Plaintiff will file an opposition.

IT IS SO ORDERED.

Dated: March 24, 2008

/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE